

IN RE: APPEAL OF CHARLES AND TRISTINE GLASS RELATIVE TO A PROPERTY LOCATED AT 22 KENHORST BOULEVARD, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2021-25 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 8th day of December 2021, a hearing having been held on November 10, 2021, upon the application of Charles and Tristine Glass, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

The Zoning Board finds the following facts:

1. Applicants are Charles and Tristine Glass, adult individuals with a principal mailing address of 1211 Lancaster Avenue, City of Reading, Berks County, Pennsylvania 19607 (hereinafter referred to as the “Applicants”).
2. Applicants have an equitable interest in the real property located at 22 Kenhorst Boulevard, City of Reading, Berks County, Pennsylvania 19607 (hereinafter referred to as the “Subject Property”).
3. The fee simple owners of the Subject Property, R.H. Detwiler, G.A. Detwiler and A. Wissinger, have granted Applicants’ permission to seek the requested zoning relief.
4. The Subject Property is located in the Residential Professional Office (R-PO) Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
5. Applicant was represented by Barbara Kern Dietrich, Esquire.

6. Craig Bonenberger from McCarthy Engineering testified on behalf of Applicants, and he was stipulated as an expert in zoning and land use.

7. Applicants seek relief through a special exception and/or variance to convert a nonconforming veterinary office into business offices and to construct a garage for estimate services at the Subject Property.

8. The Subject Property contains an existing 5,520 square foot, one-story brick commercial building fronting Kenhorst Boulevard that was most recently occupied by a nonconforming use (veterinary office/hospital) with related site improvements on the eastern portion of the Subject Property.

9. The Subject Property also consists of 21 existing parking spaces, interior driveways, interior sidewalks, and sidewalks from and along Kenhorst Boulevard.

10. Vehicular access to the Subject Property is from an existing 20 foot wide improved alley that intersects with Kenhorst Boulevard at the southeast corner of the Subject Property.

11. The remainder of the Subject Property is undeveloped with existing trees and other vegetation along the unimproved section of the southern property line and the entire length of the rear and north property lines.

12. The existing commercial building is no longer operating or occupied as a nonconforming use.

13. Applicants are the owners of an auto collision repair business operating at 1211 Lancaster Avenue known as Glass & Sons, Inc. ("Company").

14. Applicants intend to expand the business operations of the Company onto the Subject Property as follows:

a. Convert the existing veterinary office building into business/accounting department offices for the Company with customer accessible space;

b. Construct a 50 foot x 120 foot four-bay garage on the western portion of the Subject Property to perform estimates;

c. Expand parking areas to accommodate the new and expanded uses with associated storm water management facilities.

15. Applicants intend to lease the Subject Property to the Company.

16. The proposed offices are an allowed use in the R-PO Zoning District (Section 600-806.B.1.[c]) but the proposed construction of a garage facility is not an allowed use in the R-PO Zoning District and would, in any event, constitute an increase in intensity such that special exception relief is required (Section 600-607.D.[6]).

17. The Company's customers would drive their cars to the Subject Property where they would handle paperwork and schedule appointments with the estimating staff.

18. The Company estimators will only perform estimates in the garage facility.

19. The hours of operation of the estimating department will be from 7:00 a.m. to 5:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturday, prevailing time, which coincides with the hours of the main Company location.

20. The Company will not perform any collision repair on the Subject Property and will keep that activity exclusively on the 1211 Lancaster Avenue property.

21. The Company also plans to use the Subject Property for overflow vehicle parking.

22. The Subject Property can accommodate approximately 66 additional parking spaces depending on the design of any needed stormwater management facility.

23. Some of the customer vehicles can be driven from the Lancaster Avenue location to the Subject Property but some may be transported by truck via the improved driveway and will not generate additional traffic on Kenhorst Boulevard.

24. Applicants contend that the proposed estimating department use as a replacement nonconforming use of the Subject Property does not significantly increase the intensity of the prior use.

25. Since no collision repair or painting will be performed at the Subject Property, the proposed relief will not produce odor, fumes, glare, vibration, dust or smoke.

26. Applicants contend the waste disposal will be no greater than the veterinary office use.
27. Applicants contend that since they will be increasing the parking area on the Subject Property, there will be sufficient parking for the Company customers.
28. Applicants contend that the proposed use will not impair an adequate supply of light and air to neighboring properties and will not create a significant threat to the public health or safety nor be detrimental to neighboring properties.
29. Applicants contend that the proposed use of the Subject Property meets all the relevant criteria for a special exception to replace the nonconforming veterinary hospital use with the estimating department use.
30. There were no objections to the requested relief.
31. The Board finds as a fact that the proposed existing uses and conversion from one nonconforming use to another are in keeping with the spirit and intent of the Zoning Ordinance and will be a benefit to the neighborhood in general.
32. The Board finds the proposed relief is the minimum necessary to allow this property to be redeveloped.

DISCUSSION

Applicants seek relief to convert a nonconforming veterinary office into business offices and to construct a garage for estimating services at the Subject Property. The Board finds the proposed relief is in keeping with the spirit and intent of the Zoning Ordinance and will be a benefit to the neighborhood and the zoning district in general.

CONCLUSIONS OF LAW

1. Applicants are Charles and Tristine Glass.
2. The Subject Property is located at 22 Kenhorst Boulevard, City of Reading, Berks County, Pennsylvania 19607.

3. The Subject Property is located in the Residential/Professional Office (R-PO) Zoning District.

4. The specific sections of the Zoning Ordinance appealed are Section 600-806.B.1.(c) and Section 600-607.D.(6).

5. The Zoning Board is permitted to provide interpretation and grant applications for variance(s) and/or special exception(s) as set forth in the Zoning Ordinance.

6. In order to grant the requested relief, Applicants must show they have satisfied the relevant sections of the Zoning Ordinance.

7. After reviewing the Applicants' request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicants are hereby granted a special exception to convert the existing use to a vehicle estimating center with an accessory business office and expanded parking lot.

b. Applicants shall not utilize any portion of the Subject Property for automobile sales, service and/or repair.

c. Applicants must provide appropriate trash receptacles on the interior and exterior of the Subject Property.

d. Applicants shall comply with all pertinent provisions for a commercial office use.

e. Applicants shall comply with the relevant provisions of Parts 14, 15 and 16 of the Zoning Ordinance with respect to landscaping, parking and site accessibility.

f. A Preliminary Land Development Plan shall be submitted to the City of Reading Planning Commission in order to address the provisions required by the Zoning Ordinance and the Subdivision and Land Development Ordinance. If approved, a Final Land Development Plan shall be submitted to the City of Reading Planning Commission for review and consideration.

g. Architectural plans, rendering and/or elevations shall be submitted with the Land Development Plan in order to demonstrate compliance with all pertinent zoning and building code requirements.

h. A Stormwater Management Plan and Report shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading, Berks County Conservation District and other agencies with jurisdiction.

i. An Erosion and Sedimentation Control Plan and Report shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading, Berks County Conservation District and other agencies with jurisdiction.

j. All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.

k. All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the water supply improvements.

l. The Land Development Plan shall provide emphasis on neighborhood compatibility, architectural enhancements, vehicular and pedestrian site accessibility, curbs and sidewalks, driveways, off-street parking and loading, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping and buffer yards, solid waste disposal, exterior lighting, and other supplemental requirements that may apply to the proposed use.

m. All proposed signs shall be located, designed, permitted and installed in accordance with the provisions specified by the City of Reading.

n. Applicant shall apply for all required building, trades, and fire permits and submit to all required inspections deemed necessary.

o. Applicants shall comply with all relevant building and occupancy codes, fire codes, and ordinances as well as the plans and testimony submitted before the Zoning Board.

p. Applicants may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

q. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 4 to 0 .

**ZONING HEARING BOARD OF THE CITY
OF READING**

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ Jared Barcz

JARED BARCZ